

Exhibit A

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MELISSA MCFADDEN,

Plaintiff,

v.

CITY OF COLUMBUS,

Defendant.

Case No. 2:18-cv-544

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberley A. Jolson

**AFFIDAVIT OF
DANIEL WEAVER**

1. My name is Daniel Weaver. Having been cautioned and warned, I swear under penalty of perjury that I have personal knowledge of the facts stated in this affidavit and I am competent to testify to those facts.

2. At all times relevant to this case, I was a Sergeant and Investigator with the Internal Affairs Bureau of the Columbus Division of Police ("CPD").

3. I was assigned to investigate I.A.B. Database #201703-1015 ("the IAB Investigation"). In that role, I investigated the following allegations made in the year 2017 regarding CPD Lieutenant Melissa McFadden: Allegation I—Lt. McFadden violated E.E.O. laws when she issued CPD Sergeant Andre Tate his 2016 performance ratings based upon her statement that she did not believe "in black on black crime;" Allegation II—Lt. McFadden did not rate Sergeant Tate according to his demonstrated performance for his 2016 Performance Evaluation; and Allegation III—Lt. McFadden violated E.E.O. laws by creating a Hostile Work Environment on Zone 2 B Company. The matter had been assigned to the Internal Affairs Bureau on March 14, 2017.

4. I interviewed a number of witnesses and prepared a number of documents as part of my duties as the Investigator. Fair and accurate copies of the documents comprising my IAB investigation are attached as exhibits to this affidavit. Fair and accurate copies of the audio recordings are filed separately but are identified below. I incorporate each of these documents and audio files into this affidavit as if they were fully rewritten or rerecorded here.

5. Exhibit 1 to this affidavit is my Investigative Summary regarding Allegation I—Lt. McFadden violated E.E.O. laws when she issued CPD Sergeant Andre Tate his 2016 performance ratings based upon her statement that she did not believe "in black on black crime," and Allegation II—Lt. McFadden did not rate Sgt. Tate according to his demonstrated performance for his 2016 Performance Evaluation. I incorporate this Investigative Summary into this affidavit as if it was fully rewritten here. In this Investigative Summary I accurately described all steps taken and all information obtained during my investigation into Allegations I and II.

6. Regarding Allegation I, I determined that the alleged conduct was supported by a preponderance of the evidence and was in violation of the Rules of Conduct. Accordingly, I recommended a finding of Sustained. Regarding Allegation II, I determined that it was logical and reasonable to determine the alleged conduct was supported by a preponderance of the evidence and was in violation of the Rules of Conduct. Accordingly, I recommended a finding of Sustained.

7. Exhibit 2 to this affidavit is my Investigative Summary regarding Allegation III—Lt. McFadden violated E.E.O. laws by creating a Hostile Work Environment on Zone 2 B Company. I incorporate this Investigative Summary into this affidavit as if it was fully rewritten

here. In this Investigative Summary I accurately described all steps taken and all information obtained during my investigation into Allegation III.

8. I determined that Allegation III was supported by a preponderance of evidence and was in violation of the Rules of Conduct. Accordingly, I recommended a finding of Sustained.

9. Exhibit 3 to this affidavit is the table of contents for the IAB Investigation.

10. Exhibit 4 to this affidavit is the complaint narrative for the IAB Investigation.

11. Exhibit 5 to this affidavit is Commander Rhonda Grizzell's Letter of Information and attachments regarding the IAB Investigation. This information was included in the IAB Investigation.

12. Exhibit 6 to this affidavit is information I was provided by Commander Grizzell. This information was included in the IAB Investigation.

13. Exhibit 7 to this affidavit are e-mails about Sgt. Tate provided by Lt. McFadden. These e-mails were included in the IAB Investigation.

14. Exhibit 8 to this affidavit are text messages exchanged between Lt. McFadden and Officer Morefield. These text messages were included in the IAB Investigation.

15. Exhibit 9 to this affidavit is information regarding September 1, 2016 (5240 E. Main St.). This information was included in the IAB Investigation.

16. Exhibit 10 to this affidavit is information regarding October 21, 2015 (394 E. Hinman Ave.). This information was included in the IAB Investigation.

17. Exhibit 11 to this affidavit is the 2016 Annual Report provided by Lt. McFadden. This information was included in the IAB Investigation.

18. Exhibit 12 to this affidavit is information provided by Officer Jeffrey Kasza. This information was included in the IAB Investigation.

19. Exhibit 13 to this affidavit is an inventory of the contents retrieved from the L2B desk on November 17, 2017. This information was included in the IAB Investigation.

20. Exhibit 14 to this affidavit is temporary assignment information. This information was included in the IAB Investigation.

21. Exhibit 15 to this affidavit is information concerning May 2016 Oral Board Committee. This information was included in the IAB Investigation.

22. Exhibit 16 to this affidavit are training records. This information was included in the IAB Investigation.

23. Exhibit 17 to this affidavit is miscellaneous information. This information was included in the IAB Investigation.

24. Exhibit 18 to this affidavit are a number of resources that I relied upon when conducting the IAB Investigation.

25. AUDIO 001 is a true and accurate recording of Lieutenant McFadden's March 29, 2017 interview taken as part of the IAB Investigation. The file is 2 hours, 23 minutes, 12 seconds long.

26. AUDIO 002 is a true and accurate recording of Commander Grizzell's March 30, 2017 interview taken as part of the IAB Investigation. The file is 1 hour, 1 minute, 9 seconds long.

27. AUDIO 003 is a true and accurate recording of the first portion of CPD Sergeant Michael Ramsey's March 31, 2017 interview taken as part of the IAB Investigation. The file is 35 minutes, 55 seconds long.

28. AUDIO 004 is a true and accurate recording of the second portion of CPD Sergeant Michael Ramsey's March 31, 2017 interview taken as part of the IAB Investigation. The file is 2 minutes, 15 seconds long.

29. AUDIO 005 is a true and accurate recording of CPD Sergeant Andre Tate's April 20, 2017 interview taken as part of the IAB Investigation. The file is 2 hours, 2 minutes, and 51 seconds long.

30. AUDIO 006 is a true and accurate recording of the first portion of CPD Officer Anthony Johnson's May 12, 2017 interview taken as part of the IAB Investigation. The file is 1 hour, 7 minutes, 26 seconds long.

31. AUDIO 007 is a true and accurate recording of the second portion of CPD Officer Anthony Johnson's May 12, 2017 interview taken as part of the IAB Investigation. The file is 1 hour, 15 minutes, 24 seconds long.

32. AUDIO 008 is a true and accurate recording of the first portion of CPD Officer Levon Morefield's May 12, 2017 interview taken as part of the IAB Investigation. The file is 1 hour, 27 minutes, 37 seconds long.

33. AUDIO 009 is a true and accurate recording of the second portion of CPD Officer Levon Morefield's May 12, 2017 interview taken as part of the IAB Investigation. The file is 1 hour, 14 minutes, 11 seconds long.

34. AUDIO 010 is a true and accurate recording of Brandon Thompson's May 16, 2017 interview taken as part of the IAB Investigation. The file is 15 minutes, 22 seconds long.

35. AUDIO 011 is a true and accurate recording of Measha Spencer's May 16, 2017 interview taken as part of the IAB Investigation. The file is 4 minutes, 18 seconds long.

36. AUDIO 012 is a true and accurate recording of a voicemail left for Measha Spencer as part of the IAB Investigation. The file is 35 seconds long.

37. AUDIO 013 is a true and accurate recording of a voicemail mailbox message received from Measha Spencer as part of the IAB Investigation. The file is 10 seconds long.

38. AUDIO 014 is a true and accurate recording of CPD Officer Seth Casto's June 20, 2017 interview taken as part of the IAB Investigation. The file is 17 minutes, and 23 seconds long.

39. AUDIO 015 is a true and accurate recording of CPD Officer Joe Gawronski's June 20, 2017 taken as part of the IAB Investigation. The file is 6 minutes, and 15 seconds long.

40. AUDIO 016 is a true and accurate recording of CPD Sergeant Chris Odom's June 20, 2017 interview taken as part of the IAB Investigation. The file is 13 minutes, 16 seconds long.

41. AUDIO 017 is a true and accurate recording of CPD Officer Danny Dupler's June 20, 2017 interview taken as part of the IAB Investigation. The file is 3 minutes, 59 seconds long.

42. AUDIO 018 is a true and accurate recording of CPD Officer Anthony Sebastiano's June 20, 2017 interview taken as part of the IAB Investigation. The file is 22 minutes, 35 seconds long.

43. AUDIO 019 is a true and accurate recording of a Franklin County Corrections Center inmate call received on May 16, 2017 as part of the IAB Investigation. The audio file will not currently open, but relates to the interview of Brandon Thompson taken as part of the IAB Investigation.

44. AUDIO 020 is a true and accurate recording of CPD Sergeant Ralph Guglielmi's June 22, 2017 interview taken as part of the IAB Investigation. The file is 8 minutes, 28 seconds long.

45. AUDIO 021 is a true and accurate recording of CPD Officer Nick Reaper's June 22, 2017 interview taken as part of the IAB Investigation. The file is 18 minutes, 14 seconds long.

46. AUDIO 022 is a true and accurate recording of CPD Officer Stephen Hunter's June 27, 2017 interview taken as part of the IAB Investigation. The file is 12 minutes, 31 seconds long.

47. AUDIO 023 is a true and accurate recording of CPD Sergeant Lee Hurst's June 27, 2017 interview taken as part of the IAB Investigation. The file is 22 minutes, 40 seconds long.

48. AUDIO 024 is a true and accurate recording of CPD Officer Logan Kretzman's June 28, 2017 interview taken as part of the IAB Investigation. The file is 31 minutes, 6 seconds long.

49. AUDIO 025 is a true and accurate recording of CPD Officer Paul Tobin's June 28, 2017 interview taken as part of the IAB Investigation. The file is 23 minutes, 48 seconds long.

50. AUDIO 026 is a true and accurate recording of CPD Officer Jeffrey Kasza's June 28, 2017 interview taken as part of the IAB Investigation. The file is 1 hour, 9 minutes, 35 seconds long.

51. AUDIO 027 is a true and accurate recording of the first portion of CPD employee Meghan Sicilian's July 5, 2017 interview taken as part of the IAB Investigation. The file is 3 minutes, 37 seconds long.

52. AUDIO 028 is a true and accurate recording of the second portion of CPD employee Meghan Sicilian's July 5, 2017 interview taken as part of the IAB Investigation. The file is 3 minutes, 47 seconds long.

53. AUDIO 029 is a true and accurate recording of CPD Sergeant Christopher Smith-Hughes' July 5, 2017 interview taken as part of the IAB Investigation. The file is 18 minutes, 44 seconds long.

54. AUDIO 030 is a true and accurate recording of CPD Officer Amanda Kasza's July 5, 2017 interview taken as part of the IAB Investigation. The file is 8 minutes, 9 seconds long.

55. AUDIO 031 is a true and accurate recording of CPD Officer Piotr Derdzinski's July 5, 2017 interview taken as part of the IAB Investigation. The file is 5 minutes, 29 seconds long.

56. AUDIO 032 is a true and accurate recording of CPD Officer James Estep's July 7, 2017 interview taken as part of the IAB Investigation. The file is 13 minutes, 50 seconds long.

57. AUDIO 033 is a true and accurate recording of CPD Officer George White's July 18, 2017 interview taken as part of the IAB Investigation. The file is 23 minutes, 50 seconds long.

58. AUDIO 034 is a true and accurate recording of CPD Sergeant Michael Ramsey's July 18, 2017 interview taken as part of the IAB Investigation. The file is 18 minutes, 8 seconds long.

59. AUDIO 035 is a true and accurate recording of CPD Officer Brian Connelly's July 18, 2017 interview taken as part of the IAB Investigation. The file is 23 minutes, 32 seconds long.

60. AUDIO 036 is a true and accurate recording of CPD Officer Joseph Bogard's July 18, 2017 interview taken as part of the IAB Investigation. The file is 15 minutes, 57 seconds long.

61. AUDIO 037 is a true and accurate recording of CPD Sergeant Justin Coleman's July 20, 2017 interview taken as part of the IAB Investigation. The file is 38 minutes, 27 seconds long.

62. AUDIO 038 is a true and accurate recording of CPD Officer Colin Jones' July 20, 2017 interview taken as part of the IAB Investigation. The file is 11 minutes, 1 second long.

63. AUDIO 039 is a true and accurate recording of CPD Officer Jeffrey James' July 27, 2017 interview taken as part of the IAB Investigation. The file is 3 minutes, 21 seconds long.

64. AUDIO 040 is a true and accurate recording of CPD Officer Alex Mottinger's July 28, 2017 interview taken as part of the IAB Investigation. The file is 18 minutes, 55 seconds long.

65. AUDIO 041 is a true and accurate recording of CPD Officer Jwuan Mitchell's July 28, 2017 interview taken as part of the IAB Investigation. The file is 34 minutes, 32 seconds long.

66. AUDIO 042 is a true and accurate recording of CPD Officer Levon Morefield's August 2, 2017 interview taken as part of the IAB Investigation. The file is 10 minutes, 13 seconds long.

67. AUDIO 043 is a true and accurate recording of a voicemail Lt. McFadden left on CPD Officer Levon Morefield's phone on March 6, 2017 that was provided to me as part of the IAB Investigation. The file is 5 seconds long.

68. AUDIO 044 is a true and accurate recording of CPD Sergeant Ralph Guglielmi's August 2, 2017 interview taken as part of the IAB Investigation. The file is 11 minutes, 26 seconds long.

69. AUDIO 045 is a true and accurate recording of CPD Commander Michael Springer's August 8, 2017 interview taken as part of the IAB Investigation. The file is 18 minutes, 41 seconds long.

70. AUDIO 046 is a true and accurate recording of CPD Officer Alex Mottinger's August 17, 2017 interview taken as part of the IAB Investigation. The file is 6 minutes, 44 seconds long.

71. AUDIO 047 is a true and accurate recording of CPD Commander Mark Gardner's August 18, 2017 interview taken as part of the IAB Investigation. The file is 16 minutes, 34 seconds long.

72. AUDIO 048 is a true and accurate recording of CPD Commander Mark Gardner's August 31, 2017 interview taken as part of the IAB Investigation. The file is 18 minutes, 6 seconds long.

73. AUDIO 049 is a true and accurate recording of a voicemail Kyle Erdeljac of the FOP left regarding the scheduling of Lt. McFadden's interview that would take place as part of the IAB Investigation. The file is 1 minute, 24 seconds long.

74. AUDIO 050 is a true and accurate recording of a voicemail Kyle Erdeljac of the FOP left regarding the scheduling of Lt. McFadden's interview that would take place as part of the IAB Investigation. The file is 49 seconds long.

75. AUDIO 051 is a true and accurate recording of a voicemail I left Jaclyn Tipton, attorney for the FOP, regarding the scheduling of Lt. McFadden's interview that would take place as part of the IAB Investigation. The file is 1 minute, 26 seconds long.

76. AUDIO 052 is a true and accurate recording of a voicemail I left Jaclyn Tipton, attorney for the FOP, regarding the scheduling of Lt. McFadden's interview that would take place as part of the IAB Investigation. The file is 1 minute, 26 seconds long.

77. AUDIO 053 is a true and accurate recording of conversation that I had with Jaclyn Tipton, attorney for the FOP, regarding the scheduling of Lt. McFadden's interview that would take place as part of the IAB Investigation. The file is 2 minute, 18 seconds long.

78. AUDIO 054 is a true and accurate recording of Lieutenant McFadden's October 26, 2017 interview taken as part of the IAB Investigation. The file is 1 hours, 15 minutes, 29 seconds long.

79. AUDIO 055 is a true and accurate recording of the first portion of Lieutenant McFadden's November 2, 2017 interview taken as part of the IAB Investigation. The file is 1 hours, 1 minute, 33 seconds long.

80. AUDIO 056 is a true and accurate recording of the second portion of Lieutenant McFadden's November 2, 2017 interview taken as part of the IAB Investigation. The file is 11 minutes, 29 seconds long.

81. AUDIO 057 is a true and accurate recording of CPD Sergeant Kim Edley's November 2, 2017 interview taken as part of the IAB Investigation. The file is 15 minutes, 50 seconds long.

82. AUDIO 058 is a true and accurate recording of Lieutenant McFadden's November 16, 2017 interview taken as part of the IAB Investigation. The file is 57 minutes, 59 seconds long.

83. AUDIO 059 is a true and accurate recording of Lieutenant McFadden's November 28, 2017 interview taken as part of the IAB Investigation. The file is 1 hours, 4 minutes, 5 seconds long.

84. AUDIO 060 is a true and accurate recording of Lieutenant McFadden's December 6, 2017 interview taken as part of the IAB Investigation. The file is 1 hour, 31 minutes, 18 seconds long.

85. Exhibit 19 to this affidavit is a February 9, 2018 letter that CPD Commander Greg Bodker of IAB wrote to Deputy Chief Richard Bash of CPD's Patrol South Subdivision specifying the allegations investigated in the IAB Investigation and the Investigator Recommendation. IAB only makes recommendations. The matter is then reviewed by the subject officer's chain of command.

86. Exhibit 20 to this affidavit is a February 9, 2018 email from CPD Human Resources Manager Miranda Vollmer suggesting that Commander Grizzell refrain from making a recommendation on the IAB Investigation due to Lt. McFadden's OCRC filing alleging that Commander Grizzell solicited officer comments in order to start an investigation on Lt. McFadden.

87. Exhibit 21 to this affidavit is a February 14, 2018 email from Chief Jacobs to Commander Bodker requesting more information in the IAB Investigation.

88. Exhibit 22 to this affidavit is the Patrol South Routing Sheet regarding the IAB Investigation.

89. Exhibit 23 to this affidavit is Chief Jacobs' April 18, 2018 Letter to Lt. McFadden regarding Departmental Charges and a Chief's Hearing.

90. AUDIO 061 is a true and accurate recording of the May 15, 2018 Chief's Hearing regarding the allegations contained in the IAB Investigation. The file is 50 minutes, 16 seconds long.

91. Exhibit 24 to this affidavit is Chief Jacobs' Determination regarding the IAB Investigation.

92. Exhibit 25 to this affidavit is Chief Jacobs' Letter to the City's Director of Public Safety regarding the Findings of the Disciplinary Conference.

93. AUDIO 062 is a true and accurate recording of CPD Officer Anthony Sebastiano's June 7, 2018 secondary interview taken regarding the IAB Investigation. The file is 7 minutes, 21 seconds long.

94. AUDIO 063 is a true and accurate recording of CPD Officer Paul Tobin's June 28, 2018 secondary interview taken regarding the IAB Investigation. The file is 2 minutes, 54 seconds long.

95. AUDIO 064 is a true and accurate recording of CPD Officer Jeffrey Kasza's June 28, 2018 secondary interview taken regarding the IAB Investigation. The file is 45 seconds long.

96. AUDIO 065 is a true and accurate recording of CPD Officer Anthony Johnson's June 28, 2018 secondary interview taken regarding the IAB Investigation. The file is 41 seconds long.

97. AUDIO 066 is a true and accurate recording of CPD Sergeant Michael Ramsey's June 28, 2018 secondary interview taken regarding the IAB Investigation. The file is 1 minute, 14 seconds long.

98. AUDIO 067 is a true and accurate recording of CPD Officer James Estepp's June 29, 2018 secondary interview taken regarding the IAB Investigation. The file is 41 seconds long.

99. AUDIO 068 is a true and accurate recording of CPD Sergeant Andre Tate's June 29, 2018 secondary interview taken regarding the IAB Investigation. The file is 48 seconds long.

100. AUDIO 069 is a true and accurate recording of CPD Sergeant Justin Coleman's June 29, 2018 secondary interview taken regarding the IAB Investigation. The file is 57 seconds long.

101. AUDIO 070 is a true and accurate recording of CPD Officer Levon Morefield's June 29, 2018 secondary interview taken regarding the IAB Investigation. The file is 52 seconds long.

102. AUDIO 071 is a true and accurate recording of CPD Officer Logan Kretzman's July 3, 2018 secondary interview taken regarding the IAB Investigation. The file is 46 seconds long.

103. Exhibit 26 to this affidavit is the Disposition of the City's Director of Public Safety regarding Lt. McFadden's July 26, 2018 Director's Hearing. After consideration of the testimony given in the hearing and the reading of the IAB Investigation, the Director of Public

Safety decides to not sustain the recommendations of the Chief of Police for the charges brought against Lt. McFadden.

FURTHER AFFIANT SAYETH NAUGHT.



DANIEL WEAVER

Sworn to before me and subscribed in my presence on January 25, 2021.



KATHLEEN AUKERMAN
Notary Public, State of Ohio
My Commission Expires 06-16-2021



NOTARY PUBLIC - STATE OF OHIO
My commission expires: 06/16/2021